REMARKS

Claim Rejections

Claims 1, 2, 4, 8, and 10-17 — 35 U.S.C. § 103(a)

Claims 1, 2, 4, 8, and 10-17 have been rejected under 35 U.S.C. § 103(a) as allegedly

being unpatentable over U.S. Pat. No. 6,388,994 to Murase ("Murase") in view of U.S. Pat.

Pub. No. 2003/0185212 to Kelly *et al.* ("Kelly"). Claims 2, 4 and 11-17 have been canceled

without prejudice or disclaimer thereby rendering their rejection moot. Claims 1 and 10 have

been amended. Applicant submits that amended claims 1 and 10 would not have been rendered

obvious in view of the cited references.

The Examiner correctly concedes that Murase fails to disclose or suggest at least one

stage of relay devices for receiving said continuous blocks and said idle blocks and discarding

the idle blocks and continuous blocks containing bit errors to extract only valid continuous

blocks (Office Action, page 4). The Examiner relies on Kelly to allegedly provide such

disclosure. However, Kelly does not cure the deficiencies of Murase.

Kelly is directed to a circuit emulation service which allows time division multiplex

(TDM) traffic to be transported over an asynchronous transfer mode (ATM) network (Abstract).

As part of the measurement of network service, the number of seconds containing data errors,

defined as Errored Seconds (ES), is measured over a given period of time (paragraphs [0023-

0025]). As cited by the Examiner, Kelly merely discloses that examples of errors which cause

service disruptions included in the measurement of Errored Seconds may include the discarding

of individual cells as a result of detected non-correctable errors in cell headers (paragraph

[0062]).

Neither the portion of Kelly cited by the Examiner, nor any other portion of Kelly, discloses or suggests that the relay station receives continuous blocks and idle blocks and discards the idle blocks and continuous blocks containing bit errors to extract only valid continuous blocks, as set forth in the claims.

Further, neither Murase nor Kelly, alone or in combination, discloses or suggests at least wherein said type information indicates that said unit of specified length contains one of higher-layer protocol data comprising a head portion of a higher-layer protocol frame, higher-layer protocol data comprising a middle portion of a higher-layer protocol frame, and higher-layer protocol data comprising a tail portion of a higher-layer protocol frame, and said type information indicating said higher-layer protocol data comprising said tail portion of a higher-layer protocol frame comprises a plurality of type information corresponding to an amount of valid data in said tail portion, as recited in the claims.

Murase is directed to a traffic rate controller for a packet switching network. As disclosed by Murase, a selector selects effective transmission data or dummy data to supply to a transmission buffer. The traffic rate controller monitors data forwarded from the transmission buffer (column 4, lines 31-57). As noted above, the circuit emulation service of Kelly discloses performance monitoring and error detection of TDM traffic transported over an ATM network. However, both Murase and Kelly are silent as to the above-noted claimed features.

Applicant submits that one of ordinary skill in the art at the time the invention was made would not be motivated to combine the references as attempted by the Examiner, since the combination would not result in the claimed features.

Accordingly, claims 1 and 10 are patentable over the combination of Murase and Kelly.

Claims 3, 5 and 6 --- 35 U.S.C. § 103(a)

Claims 3, 5 and 6 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murase in view of Kelly, and in further view of U.S. Pat. No. 7,245,633 to Mueller ("Mueller"). Claims 3 and 5 have been canceled without prejudice or disclaimer thereby rendering their rejection moot. Claim 6 has been amended. Applicant submits that amended claim 6 would not have been rendered obvious in view of the cited references.

Claim 6 contains features similar to the features recited in claim 1. As noted above, the Examiner concedes that Murase fails to disclose or suggest at least one stage of relay devices for receiving said continuous blocks and said idle blocks and discarding the idle blocks and continuous blocks containing bit errors to extract only valid continuous blocks, and relies on Kelly to allegedly provide such disclosure. As explained above, Kelly does not cure the deficiencies of Murase. Further, Meuller is directed to a multiplexing method for Ethernet signals and does not cure the deficiencies of the Murase-Kelly combination.

Thus, none of Murase, Kelly or Meuller, alone or in combination, disclose or suggest that the relay station receives continuous blocks and idle blocks and discards the idle blocks and continuous blocks containing bit errors to extract only valid continuous blocks, as set forth in the claim.

Accordingly, claim 6 is patentable over the combination of Murase, Kelly and Meuller for at least the above reasons.

New claims

Applicant has added new independent claim 18 which incorporates features of claims 1 and 6. Applicant submits that no new matter has been added. New claim 18 contains features similar to the features recited in claims 1 and 6 and is therefore patentable for similar reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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